

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SERGEY SPITSYN,

Plaintiff,

v.

RICHARD MORGAN, *et al*,

Defendants.

Case No. C04-5134FDB-KLS

ORDER DENYING PLAINTIFF'S  
MOTION TO CORRECT  
DOCKET

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 72. The case is before the Court on plaintiff's filing of a motion to correct docket. (Dkt. #173). After reviewing plaintiff's motion and the balance of the record, the Court finds and orders as follows:

In his motion, plaintiff asks the Court to enter on its record a notation that defendant D. Snively's legal name is Dave Snell. In support of his request, plaintiff states that defendant Snively has admitted that Snell is his legal last name, and that he refer to defendant Snively as defendant Snell from this point forward. Plaintiff, of course, is free to refer to defendant Snively, or any other defendant for that matter, in whatever manner he chooses in his filings, as long as such referral does not cause unnecessary confusion or violate the provisions of Fed. R. Civ. P. 11.

The Court, however, finds no reason to make any such requested notation on its docket. First, it must be noted that plaintiff has not provided the Court with any evidence, other than is own assertion, that

1 defendant Snively's last name is not in fact his actual name. Further, if plaintiff really wishes to change  
2 all references to defendant Snively to defendant Snell, he will need to amend his complaint to reflect the  
3 desired change in name. This, in turn, requires at this stage of the proceedings, either the written consent  
4 of defendants or a properly filed and supported motion to do so, although in so stating, the Court hereby is  
5 not implying such motion necessarily shall be granted. See Fed. R. Civ. P. 15(a).

6 Accordingly, plaintiff's motion to correct docket (Dkt. #173) hereby is DENIED.

7 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

8 DATED this 29th day of August, 2007.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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